

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES OF AMERICA**

**v.**

**FATHALLA MASHALI,**  
Defendant.

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**No. 14CR 10067 RWZ**

**AFFIDAVIT OF JOSEPH KELLER CONCERNING FATHALLA MASHALI BOND**

I, Joseph G. Keller Jr., being duly sworn, depose and state:

1. On Wednesday July 16, 2014, this Court held a Hearing at the Government's request concerning the value and status of Bond Package pledged to this Court by Fathalla Mashali.
2. The Court requested a report of the status of the Bond Package be filed before August 18, 2014.
3. On July 18, 2014, 120 Centre St., Dover, MA, was sold at a foreclosure auction for \$1.1 million. The high bid was made by the foreclosing bank.
4. On July 25, 2014, 160 Dedham St., Dover, MA, was sold at a foreclosure action for \$907,000. The high bid was made by members of the Elkadry family.
5. As of August 18, 2014, neither of these sales has been completed.
6. On information and belief, the purchase of 160 Dedham St., is unlikely to be consummated as the foreclosing bank attorney indicated that the sale of 160 Dedham St. was made subject to the first mortgage which was not disclosed at the time to the high bidder.

7. The total of the two sales would have likely resulted in a surplus for the Bank of Canton in that the sales of the mortgages resulted in an amount greater than that owed to the Bank.
8. Bank of Canton's attorney has indicated that any such surplus would be interpleaded to an appropriate court for determination of claims.
9. The Bail Proposal offered by Dr. Mashali to this Court identified and pledged a mortgage in third priority on this property with an unknown value of up to \$500,000 to the Court.
10. The value of the mortgage in third priority that was pledged to the Court remains unknown, but if determined to be first in line for the potentially interpleaded funds will still have considerable value.
11. On July 29, 2014, Fathalla Mashali's civil attorney, Mark Adams, pursuant to Rule 9A of the Superior Court Rules of Civil Procedure, sent a motion (Exhibit 1) to opposing Counsel for relief from the injunction issued in Middlesex Court. (This is the injunction that barred the pledging of the retirement accounts that were the subject of the hearing in this Court on July 16, 2014.)
12. An opposition to this motion has been received by Attorney Mark Adams.

Dated: August 18, 2014

/s/ Joseph G Keller Jr.  
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Certificate of Service

I, Joseph G. Keller Jr. , hereby certify that on this the 18<sup>th</sup> day of August, 2014, I caused a true copy of the foregoing *Affidavit* to be served upon all necessary parties by virtue of electronically filing the same via the CM/ECF system.

/s/ Joseph G Keller Jr.